



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

November 21, 1973

C. J. CARL
STAFF LEGISLATIVE ASSISTANT

William H. Skelton, Chairman
Board of Pardons and Paroles
Room 501, John H. Reagan Building
Austin, Texas 78701

Open Records Decision No. 11

Dear Mr. Skelton:

An inmate confined in a Texas Department of Corrections facility has requested all information about that inmate possessed by the Board of Pardons and Paroles. You have requested our determination of whether such information is excepted from disclosure by Article 6252-17a, V.A.C.S.

Section 7 thereof states that when a governmental body receives a written request for information which it considers to be within an exception stated in Section 3 of House Bill 6, and there has been no previous determination that the information requested falls within one of the exceptions, the Attorney General must be requested to determine whether the information is within that exception.

In the paragraph numbered "2" of the application for information, reference is made to "Personal Information" which is interpreted as being disclosable under the proviso of Section 3(a)(2). Unfortunately, this is not the correct reading of Section 3(a)(2). That section provides that information concerning individual employees of any governmental body are to be made available to that individual employee or certain designated representatives. By being an inmate confined in a facility run by the Texas Department of Corrections, the applicant does not qualify as an employee of a State governmental body. Section 3(a)(2) is meant to apply to "personnel" files, or files of people who are employed by a governmental body.

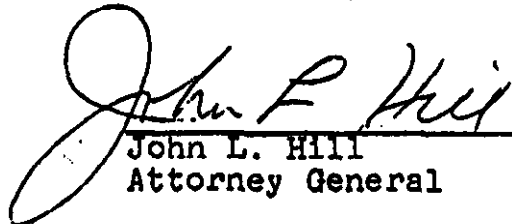
Section 3(a)(1) of the Open Records Act excepts from disclosure information deemed confidential by law, whether Constitutional, statutory; or judicial. Article 42.12 (781 d), Section 27, Adult Probation and Parole Law, states in pertinent part:


William H. Skelton, Chairman
November 21, 1973
Page Two

"All information obtained in connection with inmates of the Texas Department of Corrections subject to parole or executive clemency or individuals who may be on parole and under the supervision of the Division, or persons directly identified in any proposed plan of release for a parolee, shall be privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the Governor and the Board of Pardons and Paroles upon request."

Thus, the Board of Pardons and Paroles is not required to make public information of the sort requested here.

Very truly yours,


John L. Hill
Attorney General


C. J. Carl
Staff Legislative Assistant